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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/512,120

10/21/2004

Petrus Johannes Lenoir

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

SHIFERAW, ELENI A

ART UNIT

PAPER NUMBER

2136

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/512,120	<b>Applicant(s)</b> LENOIR ET AL.	
	<b>Examiner</b> ELENI A. SHIFERAW	<b>Art Unit</b> 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/14/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Claims 1-20 are presented for examination.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 07/14/2005 has been considered. The submission is in compliance with the provisions of 37 CFR 1.97. Form PTO-1449 is signed and attached hereto.

#### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10512120, filed on 10/21/2004.

#### ***Drawings***

The drawings filed on 10/21/2004 are accepted.

#### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph **on a separate sheet** within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 and 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Calderone US 6588017 B1.

Regarding claim 1, Calderone discloses a system (100) (**fig. 4 element 310**) comprising a plurality of interconnected devices (101-105) (**fig. 4-5 elements 402/102/104**), and being arranged to provide the devices (101-105) conditional access to protected content items (**fig. 5; programs #1-8 to houses A-G**), characterized in that the system (100) is arranged to restrict the number of simultaneous sessions involving said protected content items to a predetermined total limit (**fig. 5 and col. 8 lines 34-53; programs #1-8 to houses A-G, in House A.... programs 1 is decoded by the master subscriber station 102 and displayed on the TV receiver 402 associated with the master subscriber station 102. MEANWHILE, video program 2 is**

**decoded by the slave subscriber station 104 and displayed on the TV receiver 402 associated with the slave subscriber station 104, and programs C-G are restricted).**

Regarding claim 2, Calderone discloses the system (100), being arranged to restrict the number of content items that can be accessed simultaneously to the predetermined limit (**fig. 5 and col. 8 lines 34-53; programs #1-8 to houses A-G, in House A.... programs 1 is decoded by the master subscriber station 102 and displayed on the TV receiver 402 associated with the master subscriber station 102. MEANWHILE, video program 2 is decoded by the slave subscriber station 104 and displayed on the TV receiver 402 associated with the slave subscriber station 104, and programs C-G are restricted).**

Regarding claim 12, Calderone discloses the system (100), being arranged to restrict the number of simultaneous accesses to content of a first type to a first predetermined total limit, and the number of simultaneous accesses to content of a second type to a second predetermined total limit (col. 3 lines 53-67 and fig. 5).

Regarding claim 13, Calderone discloses the system (100), in which the first type comprises pay-per-view content and the second type comprises free-to-air content (col. 4 lines 57-col. 5 lines 12 and col. 8 lines 35-53).

Regarding claim 14, Calderone discloses the system (100), being arranged to restrict the number

of devices (101-105) that are active simultaneously to the predetermined total limit (col. 8 lines 35-53).

Regarding claim 15, Calderone discloses the system (100), being arranged to determine whether the predetermined total limit has been reached in a weighted fashion, in which sessions of different types are assigned different weights (col. 3 lines 13-33 and col. 8 lines 35-53).

Regarding claim 16, Calderone discloses the system (100), being arranged to restrict the number of simultaneous sessions of a first type to a first predetermined total limit and the number of simultaneous sessions of a second type to a second predetermined total limit (col. 8 lines 35-53).

Regarding claim 17, Calderone discloses the system (100), in which the first type comprises a rendering of a content item and the second type comprises a recording of a content item (fig. 4-5).

Regarding claim 18, Calderone discloses the system (100), being arranged to refuse a session if allowing said session would cause the number of simultaneous sessions to exceed the predetermined total limit (col. 7 lines 64-col. 8 lines 54).

Regarding claim 19, Calderone discloses the system (100), being arranged to allow a session at a reduced quality level if allowing said session would cause the number of simultaneous sessions to exceed the predetermined total limit (fig. 5).

Regarding claim 20, Calderone discloses the system (100), being arranged to reduce a quality level of all simultaneous sessions (col. 8 lines 35-53).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calderone US 6588017 B1 in view of POLO WO 99 37092 A.

Regarding claim 3, Calderone fails to disclose the system (100), comprising at least one security module (300) for providing the devices (101-105) the conditional access and being arranged to restrict the number of content items that can be accessed simultaneously to the predetermined limit. However POLO discloses at least one security module (**fig. 8 element 52; smart card security module**) for providing the devices (101-105) (**IRDs (Integrated receiver decoders)**) the conditional access (**page 14 line 8-lines 28 and col. 8 lines 5-col. 9 lines 18**) and being arranged to restrict the number of content items that can be accessed simultaneously to the predetermined limit (**page 14 lines 8-page 16 lines 16 and col. 8 lines 5-col. 9 lines 18**).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the teachings of POLO within the system of Calderone because

they are analogous in multimedia content protection. One would have been motivated to incorporate the teachings of smart card software module because it would control multimedia content signals from being displayed illegally and work with other devices to authenticate and enhance security by controlling the receiver.

Regarding claim 4 POLO further discloses the system (100), in which a new security module that is to be added to the system must authenticate itself to the system, during which authentication the new security module is arranged to report the number of simultaneous accesses to content it is arranged to provide (**page 14 lines 8-page 16 lines 16**). The rationale for combining are the same as claim 3 above.

Regarding claim 5 POLO further discloses the system (100), being arranged to refuse to authenticate the new security module if the reported number exceeds a predetermined individual limit (**col. 8 lines 5-col. 9 lines 18 and page 14 lines 8-page 16 lines 16**). The rationale for combining are the same as claim 3 above.

Regarding claim 6 POLO further discloses the system (100), being arranged to indicate to the new security module a maximum number of simultaneous accesses it may provide simultaneously if the reported number exceeds a predetermined individual limit (**figures 3-6 and 8**). The rationale for combining are the same as claim 3 above.

Regarding claim 7 POLO further discloses the system (100), being arranged to authenticate the



new security module only if a sufficient period of time has elapsed since the last time the new security module was added to the system (**page 14 lines 8-page 16 lines 16 and col. 8 lines 5-col. 9 lines 18**). Therefore it would have been obvious to one having ordinary skill in the art to combine the teachings because it would control access in a specified period time.

Regarding claim 8 POLO further discloses the system (100), comprising a plurality of security modules (**page 14 line 13**), each security module being arranged to restrict the number of content items to which it provides access simultaneously to an individual limit (**page 14 lines 8-29**), the system being arranged to restrict the sum of the individual limits to the predetermined total limit (**page 8 lines 5-page 9 lines 18**). Therefore it would have been obvious to one having ordinary skill in the art to combine the teachings because it would control inappropriate content usage.

Regarding claim 9 POLO further discloses the system (100), in which one security module of said plurality is arranged to increase its individual limit in response to another security module of said plurality decreasing its individual limit (**page 8 lines 5-page 9 lines 18**). The rational for combining are the same as claim 3 above.

Regarding claim 10 POLO further discloses the system (100), comprising a number of capacity master security modules and a number of capacity slave security modules, a capacity slave security modules being arranged to increase its individual limit only in response to a capacity master security module decreasing its individual limit (fig. 3-6 and 8). The rational for combining are the same as claim 3 above.

Regarding claim 11 POLO further discloses the system (100), being arranged to distribute a number of session tokens to the plurality of security modules, said number corresponding to the predetermined total limit, each security module being arranged to restrict the number of content items to which it provides access simultaneously to the number of session tokens distributed to that security module (**page 14 lines 8-page 16 lines 16 and col. 8 lines 5-col. 9 lines 18**). The rationale for combining are the same as claim 3 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELENI A. SHIFERAW whose telephone number is (571)272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eleni A Shiferaw/  
Examiner, Art Unit 2136  
3/13/08

/Nasser G Moazzami/  
Supervisory Patent Examiner, Art Unit 2136